

**FOR FURTHER INFORMATION CONTACT:**  
Alan Stillwell, Mass Media Bureau (202)  
632-6302.

**SUPPLEMENTARY INFORMATION:**

List of Subjects in 47 CFR Part 73

Radio.

This is a summary of the Commission's Report and Order, MM Docket No. 85-357, adopted March 28, 1986, and released April 4, 1986.

The full texts of Commission decisions are available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's Copy Contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, D.C. 20037.

Summary of Report and Order

1. On November 20, 1985, the Commission adopted a Notice of Proposed Rule Making (Notice) in MM Docket No. 85-357, 50 FR 49863, proposing to eliminate § 73.242 of its rules which limits duplication of programming on AM and FM stations that are co-owned in the same local area. This rule specifies that if either station of an AM-FM combination is licensed to a community of more than 25,999 population, the FM station may not devote more than 25 percent of its average program week to duplicated programming.

2. In view of the record in this proceeding, the Commission concludes that the program duplication rule is no longer necessary. This action is expected to foster expanded radio service and, thereby, to improve radio service to the public. This action also provides licensees of AM-FM combinations with full discretion to make program decisions in accordance with market forces.

Procedural Matters

3. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public inspection as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

4. The decision contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

5. Accordingly it is ordered, that Part 73 of the Commission's rules is amended as set forth in the Appendix, effective May 12, 1986. In addition, it is ordered, that this proceeding is terminated.

6. Authority for this action is provided in sections 2, 4(i), and 393 of the Communications Act of 1934, as amended.

Federal Communications Commission.  
William J. Tricarico,  
Secretary.

**PART 73—RADIO BROADCAST SERVICES**

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C 154 and 303.

§ 73.242 [Removed]

2. § 73.242 is removed.

[FR Doc. 86-8218 Filed 4-11-86; 8:45 am]

BILLING CODE 6712-01-u

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

49 CFR Part 1

**Organization and Delegation of Powers and Duties; Revisions**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Department of Transportation is revising the delegations of authority to the Federal Highway Administration in order to correct and update statutory citations contained therein.

**EFFECTIVE DATE:** April 14, 1986.

**FOR FURTHER INFORMATION CONTACT:** Samuel Whitehorn, Office of the General Counsel, C-SO, Department of Transportation, Washington, DC (202) 4725577.

**SUPPLEMENTARY INFORMATION:** The Department of Transportation has determined that conforming amendments are required to its delegations of authority to the Federal Highway Administration as a result of the 1983 recodification of Title 49, United States Code, Transportation, and the repeal of the portions of the Explosives and Other Dangerous Articles Act in 1979 relating to transportation. Amendments to the delegations of authority are also needed to update and complete the statutory

citations contained in certain of these delegations.

**Discussion of Changes**

In view of the recodification of Title 49, United States Code, Transportation, in 1983, Pub. L. 97449.96 Stat. 2421-2439 (Jan. 12, 1983), the statutory citations in 49 CFR 1.48 (a), (e), (f) and (g) have been revised to correspond to the recodification.

Also in view of this 1983 recodification, the delegation contained in 49 CFR 1.48(h) is deleted and that paragraph is reserved. By statute, 49 U.S.C. 104, the Federal Highway Administration has been delegated the duties and powers related to motor carrier safety vested in the Secretary of Transportation by chapters 5 and 31 of Title 49, United States Code. The Department of Transportation now directly has authority over motor carrier safety and thus is no longer operating under authority transferred from the Interstate Commerce Commission. The underlying statute cited in 49 CFR 1.48(h) has been repealed.

In view of the recodification of the Interstate Commerce Act in 1978, Pub. L. 95-473, 92 Stat. 1412 (Oct. 17, 1978), as subsequently amended, the statutory citation in 49 CFR 1.48(k) has been revised to reflect the current citation to the statute relating to the agency's responsibilities with regard to the suspension, change or revocation of motor carrier certificates, permits or licenses.

Since the authorizing legislation cited in 49 CFR 1.48(d) was repealed by Pub. L. 96-129, Title II, section 216(b), 93 Stat. 1013 (Nov. 30, 1979), the delegation contained in this paragraph has been deleted and the paragraph is hereby reserved.

The delegations previously contained in 49 CFR 1.48(p) and 1.48(v) both referred to the Noise Control Act of 1972. Thus the delegations contained in these paragraphs have been combined into new 49 CFR 1.48(p) and the statutory citation contained therein has been corrected to 42 U.S.C. 4917.

A technical correction to paragraph (x) of 49 CFR 1.48 has been made in order to change the year of the public law from 1981 to 1980.

The delegations contained in 49 CFR 1.48(w) and 1.48(z) have been revised to include current statutory amendments dealing with minimum financial responsibility requirements.

Since these revisions relate to Departmental management, procedures, and practice, notice and comment are unnecessary. In addition, it may be

made effective in less than 30 days after publication in the **Federal Register**.

#### List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organizations and functions (government agencies).

In consideration of the foregoing 49 CFR Part 1 is amended as set forth below:

#### PART 1—[AMENDED]

1. The authority citation for Part 1 is revised to read as follows:

Authority: 49 U.S.C. 102–110, and 322(a) and (b).

2. Section 1.48 is amended by revising paragraphs (a), (e), (f), (g), (k), (p), (w), (x), (z) and by removing and reserving paragraphs (d), (h) and (v).

#### § 1.48 Delegation to Federal Highway Administrator.

The Federal Highway Administrator is delegated authority to—

(a) Investigate and report on the safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 307, so far as it relates to motor carriers.

(d) [Reserved]

(e) Carry out 49 U.S.C. 3103 relating generally to investigation of the need for regulation of sizes, weights, and combinations of motor vehicles and qualifications and maximum hours of service of employees of motor carriers and motor private carriers.

(f) Carry out 49 U.S.C. 3102 relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers, motor private carriers and motor carriers of migrant workers.

(g) Carry out 49 U.S.C. 503 and 3104 relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles so far as they pertain to motor private carriers of property and motor carriers of migrant workers (except motor contract carriers).

(h) [Reserved]

(k) Initiate proceedings as a complainant under 49 U.S.C. 10925 to revoke, suspend or amend the

certificates, permits or licenses of a motor carrier.

(p) Carry out the functions vested in the Secretary provided by 42 U.S.C. 4917 relating to procedures for the inspection, surveillance and measurement of commercial motor vehicles for compliance with interstate motor carrier noise emission standards and related enforcement activities including the promulgation of necessary regulations.

(v) [Reserved]

(w) Carry out the functions vested in the Secretary by section 30 of the Motor Carrier Act of 1980 (Pub. L. 96–296, 94 Stat. 820), as amended by § 108(b)(5) of Pub. L. 96–510, 94 Stat. 2767; section 406 of Pub. L. 97–424, 96 Stat. 2158; and section 222 of Pub. L. 98–554, 98 Stat. 2846 (49 U.S.C. 10927 note).

(x) Carry out the functions vested in the Secretary by sections 4(a) and (5)(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237, August 20, 1981) (delegating sections 107(c)(1)(C) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96–510, 94 Stat. 2781), insofar as they relate to motor carriers.

(z) Carry out the functions vested in the Secretary by §§ 18 and 25(c) of the Bus Regulatory Reform Act of 1982 (Pub. L. 97–261, 96 Stat. 1102), as amended by section 224 of Pub. L. 98–554, 98 Stat. 2847 (49 U.S.C. 10927 note).

Issued in Washington DC, on February 12, 1986.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 86–5062 Filed 4–11–86; 8:45 am]

BILLING CODE 4910–62–M

#### 49 CFR Part 1

[OST Docket No. 1; Amdt. No. 2061]

#### Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard and Reservations of Authority

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This rule amends Title 49, Code of Federal Regulations to clarify the existing roles of the Secretary and the Commandant with regard to the administration of the Military Justice System in the U.S. Coast Guard. Both

the Uniform Code of Military Justice, 10 U.S.C. 801 et seq., (UCMJ) and the Manual for Courts-Martial (MCM, 1984) authorize the Secretary to promulgate regulations and to take other actions in Military Justice matters. Most of these functions are routine in nature and were delegated to the Commandant when the Coast Guard became part of the Department of Transportation in 1907. This rule specifically lists all secretarial reservations of authority, and delegates all functions not so reserved; thus clarifying the Commandant's existing authority to administer the Military Justice System in the Coast Guard.

EFFECTIVE DATE: April 14, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Becky L. Bentson, Department of Transportation, Office of General Counsel; (202) 472–5577, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practices, it is excepted from notice and public procedure requirements and it may be made effective in fewer than thirty (30) days after publication in the Federal Register.

Drafting information: The principal person involved in drafting this document are LT Christena Green, Office of Chief Counsel (Military Justice Division); and LT Dave Shippert, Office of Chief Counsel (Regulations and Administrative Law Division).

Discussion: The Secretary has the authority to administer the Military Justice System in the United States Coast Guard (U.C.M.J., 10 U.S.C. 801 et seq.; MCM). Most of the Secretary's responsibilities are properly within the province of the Commandant and have been so delegated. The Secretary has specifically reserved the authority to act in certain instances. However, neither the delegation to the Commandant nor all the reservations of Secretarial authority have been clearly described in the Code of Federal Regulations. This rule amends both §§ 1.44(m) and 1.46 of Title 49 CFR to accurately reflect these reservations and the delegation. The list of authorities reserved by the Secretary contained in 49 CFR 1.44(m) is amended to include eight specific functions pertaining to Military Justice matters and 49 CFR 1.46 is amended to reflect the existing delegation to the Commandant in matters relevant to the administration of the Military Justice System. This rule merely publishes existing practice and procedure and will have no impact upon the agency or the public.

**List of Subjects in 49 CFR Part 1**

Authority delegations (government agencies), Organizations and functions (government agencies).

In consideration of the foregoing, 49 CFR Part 1 is amended as set forth below.

**PART 1 - ORGANIZATION AND DELEGATION OF POWERS AND DUTIES**

1. The authority citation for Part 1 is revised to read as follows:

**Authority:** 49 U.S.C. §§ 102-110, and 332 (a) and (b).

**§ 1.44 [Amended]**

2. Section 1.44(m) is amended to revise paragraph (12) and (13), and to add paragraphs (14) through (19) to read as follows:

• \* \* \*

(m) Coast Guard

• \* \* \*

(12) Substitute administrative discharge for dismissal of an officer under 10 USC. 804 (a) and (b).

(13) Designation of commanding officers and officers in charge who may convene general, special and summary courts-martial. (10 U.S.C. 822(a)(6), 823(a)(7), and 824(a)(b)).

(14) In time of war certify cases to President to extend statute of limitations until after termination of hostilities. (10 U.S.C. 643(e)).

(15) Direct Judge Advocate General to establish branch office. (10 U.S.C. 863).

(16) Designate officers authorized to remit or suspend any part of amount of unexecuted part of any sentence. (10 U.S.C. 874(a)).

(17) Substitute administrative form of discharge for discharge or dismissal executed in accordance with sentence of court-martial (10 U.S.C. 874(b)).

(18) Substitute administrative discharge for previously executed sentence of dismissal when dismissal not imposed at new trial. (10 U.S.C. 875(c)).

(19) Designate persons to convene courts of inquiry. (10 U.S.C. 935(a)).

3. Section 1.46 is amended to add new paragraph (pp) to read as follows:

**§ 1.46 Delegations to Commandant of the Coast Guard.**

• \* \* \*

(pp) Except as specifically reserved in 49 CFR § 1.44, carry out the responsibilities of, and exercise the authority of the Secretary contained in the Uniform Code of Military Justice, Chapter 47 of Title 10 United States Code, and the Manual for Courts-Martial, United States.

Issued in Washington, D.C. on February 7, 1986.

**Elizabeth Hanford Dole,**  
**Secretary of Transportation.**

[FR Doc. 86-5061 Filed 4-11-86; 8:45 am]

BILLING CODE 4910-62-M

**Federal Highway Administration**

**49 CFR Parts 301, 388, 389, 390, 391, 394, and 395**

**Federal Motor Carrier Safety Regulations; Technical Amendments**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** As a result of the revisions in the delegations of authority from the Department of Transportation to the Federal Highway Administration as well as the reorganization of the Bureau of Motor Carrier Safety within the Federal Highway Administration, technical amendments are needed to reflect the current delegations of authority relating to motor carrier safety within the Federal Highway Administration.

**EFFECTIVE DATE:** April 14, 1986.

**FOR FURTHER INFORMATION CONTACT:**

Neill Thomas, National Standards Division, Bureau of Motor Carrier Safety, (292) 755-1011; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** In view of the revisions in the delegations of authority from the Department of Transportation to the Federal Highway Administration published in this issue of the Federal Register to reflect current citations to the statutory authority relating to motor carrier safety and related areas as well as the reorganization of the Bureau of Motor Carrier safety within the Federal Highway Administration, certain regulations are revised to reflect the current delegations of authority as well as the offices responsible for these functions. Certain functions and responsibilities were delegated from the Federal Highway Administrator to the Associate Administrator for Motor Carriers. Certain of these functions were delegated to the Director, Bureau of Motor Carrier Safety, and some of these responsibilities redelegated to the Regional Director, Motor Carrier Safety. The paragraphs of 49 CFR 301.60 are renumbered in order to correctly reflect the direct line authority and delegations

from the Federal Highway Administrator to the Associate Administrator for Motor Carriers to the Director, Bureau of Motor Carrier Safety, then to the Regional Director, Motor Carrier Safety.

The FHWA has determined that this document does 'not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The amendments in this document are primarily technical in nature and are needed solely to update the regulations to reflect current statutory changes as well as revisions relating to the agency's reorganization. For these reasons and since this rule imposes no additional burdens on the States or other Federal agencies, the FHWA finds good cause to make this regulation final without prior notice and opportunity for comments and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reasons, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, this final rule is effective upon publication in the Federal Register.

Since the changes in this document are primarily nonsubstantive in nature and are merely needed to reflect those entities responsible for compliance with requirements relating to motor carrier safety, minimum financial responsibility, and noise emission, the anticipated economic impact, if any, is minimal. Therefore, a full regulatory evaluation is not required. For the above reasons and under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 49 CFR Parts 301, 388, 389, 390, 391, 394, and 395**

Authority delegations (government agencies), Highways and roads, Motor carriers, Motor vehicle safety.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety).

Issued on April 3, 1986.

**R.A. Barnhart,**  
**Federal Highway Administrator, Federal Highway Administration.**

In consideration of the foregoing, the Federal Highway Administration hereby amends 49 CFR Chapter 111 as set forth below.

10-15-  
[4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

**OST** Docket No. 1; **Amdt.** 207)

ORGANIZATION AND DELEGATION OF POWERS AND DUTIES; REVISIONS

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation is revising the delegations of authority to the Federal Highway Administration in order to correct and update statutory citations contained therein.

EFFECTIVE DATE: (date of publication in the **FEDERAL REGISTER**).

FOR FURTHER INFORMATION CONTACT: Samuel Whitehorn, Office of the General Counsel, C-50, Department of Transportation, Washington, D.C. **(202) 472-5577**.

SUPPLEMENTARY INFORMATION: The Department of Transportation has determined that conforming amendments are required to its delegations of authority to the Federal Highway Administration as a result of the 1983 recodification of Title 49, United States Code, Transportation, and the repeal of the portions of the Explosives and Other Dangerous Articles Act in 1979 **relating** to transportation. Amendments to **the** delegations of authority are also needed to update and

complete the statutory citations contained in certain of these delegations.

#### **Discussion of Changes**

In view of the recodification of Title 49, United States Code, Transportation, in 1983, Pub. L. **97-449**, 96 Stat. **2421-2439** (Jan. 12, **1983**), the statutory citations in 49 CFR 1.48 **(a), (e), (f)** and **(g)** have been revised to correspond to the recodification.

Also in view of this 1983 recodification, the delegation contained in 49 **CFR 1.48(h)** is deleted and that paragraph is reserved. By statute, 49 U. S.C. 104, the Federal Highway Administration has been delegated the duties and powers related to motor carrier safety vested in the Secretary of Transportation by chapters 5 and 31 of Title **49, United States Code**. The Department of Transportation now directly has authority over motor carrier safety and thus is no longer operating under authority transferred from the Interstate Commerce Commission. The underlying statute cited in 49 CFR **1.48(h)** has been repealed.

In view of the recodification of the Interstate Commerce Act in 1978, Pub. L. 95-473, 92 Stat. 1412 (Oct. 17, 1978), as subsequently amended, the statutory citation in 49 CFR 1.48 **(k)** has been revised to reflect the current citation to the statute relating to the agency's responsibilities with **regard** to the suspension, change or revocation of -motor carrier certificates, permits or licenses.

Since the authorizing legislation cited in 49 CFR **1.48(d)** was repealed by Pub. L. **96-129**, Title II, **§ 216(b)**, 93 Stat. 1013 (Nov. 30, **1979**), the delegation contained in this paragraph has been deleted and the paragraph is hereby reserved.

The delegations previously contained in 49 CFR **1.48(p)** and **1.48(v)** both referred to the Noise Control Act of 1972. Thus the delegations contained in these paragraphs have been combined into new 49 CFR **1.48(p)** and the statutory citation contained therein has been corrected to 42 U.S. C. 4917.

A technical correction to paragraph **(x)** of 49 CFR 1.48 has been made in order to change the year of the public law from 1981 to 1980.

The delegations contained in 49 CFR **1.48(w)** and **1.48(z)** have been revised to include current statutory amendments dealing with minimum financial responsibility requirements.

Since these revisions relate to Departmental management, procedures, and practice, notice and comment are unnecessary. In addition, it may be made effective in less than 30 days after publication in the **FEDERAL REGISTER**.

#### List of Subjects in 49 CFR Part 1

Authority delegations (government agencies),  
Organizations and functions (government agencies).

In consideration of the foregoing, 49 **CFR** Part 1 is amended by revising Sl.48 as set forth below.

1. The authority citation for Part 1 reads as **follows:**  
AUTHORITY : 49 U.S.C. SS 102-110, and **322(a)** and **(b)**.

2. S1.48 is amended to read as follows:

**§ 1.48 ~~Delegations to Federal Highway Administrator~~**

The Federal Highway Administrator is delegated authority  
t o -

(a) Investigate and report on ~~the~~ safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 307, so far as it relates to motor carriers.

(b) \* \* \*

(c) \* \* \*

(d) [RESERVED]

(e) Carry out 49 U.S.C. 3103 relating generally to investigation of the need for regulation of sizes, weights, and combinations of motor vehicles and qualifications and maximum hours of service of employees of motor carriers and motor private carriers.

(f) Carry out 49 U.S.C. 3102 relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment **of** motor carriers, motor private carriers and motor carriers of migrant workers.

(g) Carry out 49 U. S.C. 503 and 3104 relating generally to service of process, designation of agents to receive service of process , and identification of interstate motor vehicles so far as they pertain to motor private carriers of property and motor carriers of migrant workers (except motor contract carriers).

(h) [RESERVED]

(i) \* \* \*

(j) \* \* \*

(k) Initiate proceedings as a complainant under 49 U.S.C. 10925 to **revoke**, suspend or amend the certificates, permits or licenses of a motor carrier.

\* \* \* \* \*

(p) Carry out the functions vested in the Secretary provided by 42 U.S.C. 4917 relating to procedures for the inspection, surveillance and measurement of commercial motor vehicles ~~for~~ compliance with interstate motor carrier noise emission standards and related enforcement activities including the promulgation of necessary regulations.

\* \* \* \* \*

(v) [RESERVED]

(w) Carry out the functions vested in the Secretary by **§ 30** of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. **820**) , as amended by **§ 108(b) (5)** of Pub. L. 96-510, 94 Stat; 2767; **§ 406** of Pub. L. 97-424, 96 **Stat. 2158**; and **§ 222** of Pub. L. 98-554, 98 Stat. 2846 (**49** U.S.C. 10927 note).



(x) Carry out the functions vested in the Secretary by sections 4(a) and (5)(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237, August 20, 1981) (delegating sections 107(c)(1)(C) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510, 94 Stat. 2781), insofar as they relate to motor carriers.

\* \* \* \* \*

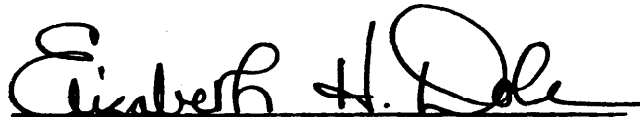
(z) Carry out the functions vested in the Secretary by §§ 18 and 25(c) of the Bus Regulatory Reform Act of 1982 (Pub. L. 97-261, 96 Stat. 1102), as amended by § 224 of Pub. L. 98-554, 98 Stat. 2847 (49 U.S.C. 10927 note).

\* \* \* \* \*

Issued in Washington, D.C., on February 12, 1986.

CERTIFIED TO BE A TRUE  
COPY OF THE ORIGINAL

Linda W. Senese  
Certifying Officer

  
Elizabeth Hanford Dole  
Secretary of Transportation

revised pp.  
at request of F. P.  
JS

[4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

(OST Docket No. 1; Amdt . 207)

ORGANIZATION AND **DELEGATION OF POWERS AND DUTIES**; REVISIONS

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Department of Transportation is revising the delegations of authority to **the** Federal Highway Administration in order to correct and update statutory citations \*contained therein.

**EFFECTIVE DATE:** (Date of publication in the FEDERAL REGISTER).

FOR FURTHER **INFORMATION** CONTACT: Samuel **Whitehorn**, Office of the **General Counsel**, C-50, Department of **Transportation**, Washington, D.C. (202) 472-3577.

**SUPPLEMENTARY INFORMATION:** The Department of Transportation has determined that c&forming **amendments** are required to **its** delegation of authority to the Federal Highway Administration **as a result of** the 1983 recodification of Title **49**, United States **Code**, Transportation, **and the repeal of** the portions of the Explosives and Other Dangerous **Articles** Act in 1979 **relating** to transportation. **Amendments** to **the** delegations of authority **are** also needed to **update and**

complete **the statutory citations contained in certain of** these delegations.

#### **Discussion of Changes**

**In view of the recodification of Title 49, United States Code, Transportation, in 1983, Pub. L. 97-449, 96 Stat. 2421-2439 (Jan. 12, 1983), the statutory citation<sup>6</sup> in 49 CFR 1.48 (a), (e), (f) and (g) have been revised to correspond to the recodification.**

**Also in view of this 1983 recodification, the delegation contained in 49 CFR 1.48(h) is deleted and that paragraph is reserved. By statute, 49 U. S.C. 104, the Federal Highway Administration has been delegated the duties and powers related to motor carrier safety vested in the Secretary of Transportation by chapters 5 and 31 of Title 49, United States Code. The Department of Transportation now directly has authority over motor carrier safety and thus is no longer operating under authority transferred from the Interstate Commerce Commission. The underlying statute cited in 49 CFR 1.48(h) has been repealed.**

**In view of the recodification of the Interstate Commerce Act in 1978, Pub. L. 95-473, 92 Stat. 1412 (Oct. 17, 1978), as subsequently amended, the statutory citation in 49 CFR 1.48(k) has been revised to reflect the current citation to the statute relating to the agency's responsibilities with regard to the suspension, change or revocation of motor carrier certificates, permits or licenses.**

Since the authorizing legislation cited in 49 CFR 1.48(d) was repealed, by Pub. L. 96-129, Title II, § 216 (b), 93 Stat. 1013 (Nov. 30, 1979), the delegation contained in this paragraph has been deleted and the paragraph is hereby reserved.

The delegations previously contained in 49 CFR 1.48(p) and 1.48(v) both referred to the Noise Control Act of 1992. Thus the delegations contained in these paragraphs have been combined into new 49 CFR 1.48(p) and the statutory citation contained therein has been corrected to 42 U.S.C. 4919.

A technical correction to paragraph (x) of 49 CFR 1.48 has been made in order to change the year of the public law from 1981 to 1980.

The delegations contained in 49 CFR 1.48(w) and 1.48(z) have been revised to include current statutory amendments dealing with minimum financial responsibility requirements.

Since these revisions relate to Departmental management, procedures, and practice, notice and comment are unnecessary. In addition, it may be made effective in less than 30 days of its publication in the FEDERAL REGISTER.

#### **List of Subjects in 49 CFR Part 1**

Authority delegations (government agencies),  
Organizations and functions (government agencies).

In consideration of the foregoing, 49 CFR Part 1 is amended as set forth below.

1. The authority citation for Part I is revised to read as follows: •

AUTHORITY: 49 U.S.C. §§ 102-110, and 322(a) and (b) .

2. §1.48 is amended by revising paragraphs (a) , (e) , (f) , (g) , (k) , (p) , (w) , (x) , (z) and by removing and reserving paragraphs (d) , (h) and (v) .

**S 1.48 Delegation to Federal Highway Administrator**

The Federal Highway Administrator is delegated authority to--

(a) Investigate and report on the safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 307, so far as it relates to motor carriers.

(b) \* \* \*

(c) \* \* \*

(d) [RESERVED]

(e) Carry out 49 U.S.C. 3103 relating generally to investigation of the need for regulation of sizes, weights, and combinations of motor vehicles and qualifications and maximum hours of service of employees of motor carriers and motor private carriers.

(f) Carry out 49 U.S.C. 3102 relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers, motor private carriers and motor carriers of migrant workers.

(g) Carry out 49 U.S.C. 503 and 3104 relating generally to **service of process, designation** of agent<sup>8</sup> to receive **service of process**, and identification of **interstate** motor vehicle<sup>8</sup> so far as they pertain to motor private **carriers** of property and motor **carriers** of migrant worker<sup>8</sup> (except motor contract **carriers**).

(h) [RESERVED]

(i) \* \* \*

(j) \* \* \*

(k) Initiate proceedings as a complainant under 49 U.S.C. 10925 to revoke, **suspend** or **amend** the certificates, **permits** or, licenses of a motor carrier.

\* \* \* \* \*

(p) Carry out the function<sup>8</sup> vested in **the** Secretary provided by 42 U.S.C. 4917 relating to **procedures for the** inspection, **surveillance and measurement of commercial motor** vehicles for compliance with interstate motor carrier **noise emission standards** and related **tnf orcement** activities including the **promulgation** of necessary regulations.

\* \* \* \* \*

(v) [RESERVED]

(w) Carry out the functions vested in the **Secretary** by S 30 of the Motor **Carrier** Act of 1980 (Pub. L. **96-296**, 94 Stat. **820**), as amended by § 108(b)(5) of Pub. L. 96-510, 94 Stat. 2969; § 406 of Pub. L. **97-424**, 96 Stat. **2158**; and § 222 of Pub. L. **98-554**, 98 Stat. 2846 (**49 U.S.C.** 10927 note).

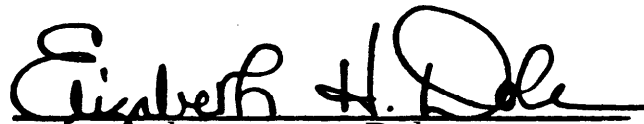
(x) Carry out the function8 vested in the Secretary by sections 4(a) and (5) (c) of Executive Order 12316 of August 14, 1981 (46 FR 42237, August 20, 1981) (delegating sections 107 (c) (1) (C) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510, 94 Stat. 2781), insofar as they relate to motor carriers.

\* \* \* \* \*

(z) Carry out the functions vested in the Secretary by §§ 18 and 25(c) of the Bus Regulatory Reform Act of 1982 (Pub. L. 97-261, 96 Stat. 1102), as amended by § 224 of Pub. L. 98-554; 98 Stat. 2847 (49 U.S.C. 10927 note).

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Elizabeth Hanford Dolt  
Secretary of Transportation